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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,111

12/09/2005

Bernd Hansen

49921

2887

1609 7590 06/15/2007

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.

1300 19TH STREET, N.W.

SUITE 600

WASHINGTON,, DC 20036

EXAMINER

BODAWALA, DIMPLE N

ART UNIT

PAPER NUMBER

1722

MAIL DATE

DELIVERY MODE

06/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/560,111	Applicant(s) HANSEN, BERND	
	Examiner Dimple N. Bodawala	Art Unit 1722	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 13 is/are allowed.
- 6) ☒ Claim(s) 10-12 and 14-21 is/are rejected.
- 7) ☒ Claim(s) 10-12, 14, 15 and 17-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

Claims 1-8 are cancelled.

Claims 9-21 are pending.

In view of amendment, filed on 02 April 2007 following rejection/objection is withdrawn from the previous office action, mailed on 02 October 2006.

- ✓ Objection of Specification.
- ✓ Objection of claim 1.
- ✓ Rejection of claim 8 under 35 U S C 112, second paragraph as being indefinite.
- ✓ Rejection of claims 1,2, and 4 under 35 U S C 102 (b) as being anticipated by Boskovic.
- ✓ Rejection of claims 1-5, and 8 under 35 U S C 102 (b) as being anticipated by Smith.
- ✓ Rejection of claims 3,6, and 8 under 35 U S C 103 (a) as being unpatentable over Boskovic in view of Ernest.
- ✓ Rejection of claims 5 and 7 under 35 U S C 103 (a) as being unpatentable over Boskovic in view of Ernest further in view of Huang.
- ✓ Rejection of claims 6 and 7 under 35 U S C 103 (a) as being unpatentable over Smith in view of Timke.

***Information Disclosure Statement***

The information disclosure statement filed December 09, 2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because copies of Foreign patent documents such as (GB 704,949) and (DE 899,974) were not submitted by Applicant. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

***Claim Objections***

Claims 10-12, 14, 15, and 17-21 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 10-12, 14, 15, and 17-21 are objected because these claims merely recite either the contents of the claimed apparatus or the manner of operating the claimed apparatus

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during its intended use. However, such recitations relate only to the intended use of the claimed apparatus structure, which is not germane to determining the patentability of the apparatus and therefore does not further limit the structure of the apparatus claims.

Intended use has been continuously held not to be germane to determining the patentability of the apparatus, *In re Finsterwalder*, 168 USPQ 530. The manner or method in which machine is to be utilized is not germane to the issue of patentability of the machine itself, *In re Casey*, 152 USPQ 235,238. Purpose to which apparatus is to be put and expression relating apparatus to contents thereof during intended operation are not significant in determining patentability of an apparatus claim, *Ex parte Thibault*, 164 USPQ 666. A recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, *Ex parte Masham*, 2 USPQ2d 1647.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-12, 14, 15, and 17-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10-12, 14, 15, and 17-21 are vague and indefinite because these claims recite the contents of the claimed apparatus or the manner of operating the claimed apparatus, which do not further limit the structure of the apparatus claims, and therefore the scope of these dependent claims is indefinite.

Note that if Applicant intends to recite structure using "means plus function" language, Applicant must point out wherein the disclosure support may be found for the structure of such "means".

Claims 16-21 are rejected under 35 U.S.C. 112, second paragraph, because claim 16 recites the limitation "said stamping plate" in lines 8 and 20. There is insufficient antecedent basis for this limitation in the claim, and also makes the scope of the claim indeterminate. It is unclear about which plate being heated and movably mounted on the guides. Therefore, claim 16 requires correction.

***Allowable Subject Matter***

Claims 9 and 13 are allowed.

Claim 16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or suggest a stamping device as defined in the claims of the instant application. The closest prior art, Coulzzi (U S Patent No. 5,051,083) fails to teach or suggest a stamping device with support stamp having a support-housing element and a support piston rod moveable in a second direction along said longitudinal axis relative to the frame as defined in claims 9, and 16. It further fails to teach or suggest a stamping plate being movably mounted on said guides for guiding movement along said longitudinal axis relative to the guides as defined in claims 9, and 16. It further fails to teach or suggest a support plate coupled to the support piston rod and being movably mounted on said guides for guided movement along said longitudinal axis relative to the guides as defined in claims 9, and 16. It further fails to teach or suggest a guide plate is fixedly connected to said support frame by a column suspension

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and is mounted between said stamping plate and said support plate as defined claims 13 and 16.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dimple N. Bodawala whose telephone number is (571) 272-6455. The examiner can normally be reached on Monday - Friday at 8:30 am - 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra N. Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DNB



JAMES P. MACKEY  
PRIMARY EXAMINER

6/8/07